

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

April 18, 2023

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Wray:

The Committee on the Judiciary is conducting oversight of how and the extent to which the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech. Publicly available information suggests that the Executive Branch's directives or guidance designed to suppress dissenting views may have influenced some companies' treatment of certain speakers and content.¹ Accordingly, we write to request documents and information about the nature and extent of the Federal Bureau of Investigation's (FBI) interactions with companies and third-party groups over content moderation.²

The role of technology and social media companies in shaping modern public discourse is well-documented. There is increasing evidence, however, that the federal government has pressured, coerced, and directed technology, social media, and other companies to take certain actions related to digital and other content.³ These examples raise serious concerns about

¹ See generally Ken Klippenstein & Lee Fang, *Truth Cops*, THE INTERCEPT (Oct. 31, 2022); Plaintiffs' Proposed Findings of Fact in Support of Their Motion for Preliminary Injunction, *Missouri v. Biden*, No. 3:22-cv-01213-TAD-KDM (W.D. La. filed Mar. 6, 2023); Ben Geman, *Top Biden aide prods big tech to crack down on climate change misinformation*, AXIOS (June 9, 2022); Brad Dress, *Surgeon general demands data on COVID-19 misinformation from major tech firms*, THE HILL (Mar. 3, 2022); *Federal government using social-media giants to censor Americans*, N.Y. POST (Sept. 6, 2021); WAFB Staff, *La., Mo. Request depositions and add 47 defendants to lawsuit against federal government for alleged collusion with social media companies*, WAFB (Oct. 10, 2022); Alex Berenson, *My Lawsuit Will Shine a Light on Twitter Censorship*, WALL ST. J. (May 15, 2022); *The White House and Twitter Censorship*, WALL ST. J. (Aug. 12, 2022).

² See, e.g. Mary Kay Linge & Jon Levine, *Latest Twitter Files show CIA, FBI Have Spent Years Meddling With Content Moderation*, NY POST (Dec. 24, 2022).

³ See, e.g., Matt Taibbi, @mtaibbi, TWITTER (Dec. 24, 2022, 12:20 PM), <https://twitter.com/mtaibbi/status/1606701430387408897?s=20>; see also HEARING ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT, H. COMM ON THE JUDICIARY, SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT, *The Twitter Files* (March 9, 2023) (testimony of Matt Taibbi); see *id.* (testimony of Michael

whether the Executive Branch is engaging in censorship by proxy—using surrogates to censor, suppress, or discourage speech in a manner that the government is unable to do itself.⁴

Congress has an important interest in protecting and advancing fundamental free speech principles. To develop effective legislation, such as the possible enactment of new statutory limits on the Executive Branch’s ability to work with technology companies to restrict the circulation of content and deplatform users, the Committee on the Judiciary must first understand how and to what extent the Executive Branch coerced and colluded with companies and other intermediaries to censor speech. As the Committee continues to examine how to best protect Americans’ fundamental freedoms and to assist the Committee in its oversight, we ask that you please provide the following documents and information:

1. All documents and communications from January 1, 2020, to the present referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies’ content moderation policies; companies’ treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation. This request includes but is not limited to:
 - a. All such documents and communications internal to the FBI;
 - b. All such documents and communications between or among the FBI and any third-party groups, companies, or individuals; and,
 - c. All such documents and communications between or among the FBI and any other Executive Branch entity.
2. All documents and communications from January 1, 2020, to the present referring or relating to the FBI’s identification of alleged “misinformation,” “disinformation,” or “malinformation.”
3. All documents and communications from January 1, 2020, to the present referring or relating to any technology, platform, tool, or method considered, discussed, endorsed, or promoted by the FBI for the purpose of identifying alleged “misinformation,” “disinformation,” or “malinformation.”
4. A list of the individuals, along with their current and prior titles, who are or have been responsible in any way for developing, applying, executing, implementing, or communicating the FBI’s policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the

Shellenberger, *The Censorship-Industrial Complex: U.S. Government Support For Domestic Censorship And Disinformation Campaigns, 2016-2022*).

⁴ See, e.g., Vivek Ramaswamy & Jed Rubenfeld, *Twitter Becomes a Tool of Government Censorship*, WALL ST. J. (Aug. 17, 2022); cf. *Biden v. Knight First Amend. Inst. At Columbia Univ.*, 141 S. Ct. 1220, 1226 (2021) (Thomas, J., concurring).

- development, execution, or application of companies' content moderation policies; companies' treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation.
5. A list of any third-party groups, companies, or individuals that the FBI has cooperated with, consulted with, or relied on, formally or informally, in developing, applying, executing, implementing, or communicating the FBI's policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies' content moderation policies; companies' treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation.
 6. All documents and communications referring or relating to any third-party groups, companies, or individuals that the FBI has cooperated with, consulted with, or relied on, formally or informally, in developing, applying, executing, implementing, or communicating the FBI's policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies' content moderation policies; companies' treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation. This request includes but is not limited to:
 - a. All documents and communications referring or relating to the terms of any agreement between the FBI and any third-party groups, companies, or individuals that the FBI has cooperated with, consulted with, or relied on, formally or informally, in developing, applying, executing, implementing, or communicating the FBI's policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies' content moderation policies; companies' treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation.
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The Honorable Christopher A. Wray

April 18, 2023

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Please produce all documents and information as soon as possible but no later than 5:00 p.m. on May 2, 2023. In addition, please treat these discovery obligations as ongoing and applicable to any information generated after receipt of this letter.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction to conduct oversight over the Federal Bureau of Investigation and of matters concerning “civil liberties” to inform potential legislative reforms.⁵ In addition, H. Res. 12 authorized the Committee’s Select Subcommittee on the Weaponization of the Federal Government to investigate “issues related to the violation of the civil liberties of citizens of the United States.”⁶

If you have any questions about this matter, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large, looping "J" and a cursive "Jordan".

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁵ Rules of the House of Representatives R. X (2023).

⁶ H. Res. 12 § 1(b)(1).

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The Honorable Merrick B. Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

The Committee on the Judiciary is conducting oversight of how and the extent to which the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech. Publicly available information suggests that the Executive Branch's directives or guidance designed to suppress dissenting views may have influenced some companies' treatment of certain speakers and content.¹ Accordingly, we write to request documents and information about the nature and extent of the United States Department of Justice's (DOJ) interactions with companies and third-party groups over content moderation.²

The role of technology and social media companies in shaping modern public discourse is well-documented. There is increasing evidence, however, that the federal government has pressured, coerced, and directed technology, social media, and other companies to take certain actions related to digital and other content.³ These examples raise serious concerns about

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Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

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